

Attorney Docket No. P12080-US1  
Customer Number 27045

### REMARKS/ARGUMENTS

#### **1.) Claim Amendments**

The Applicant has amended claims 1, 18, and 25; claims 9, 13, 20, and 23 have been canceled; and claim 26 has been added. Accordingly, claims 1-8, 10-12, 14-19, 21-22 and 24-26 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Specifically, claims 9 and 20 were canceled without prejudice solely in order to expedite allowance of the application. The elements of claims 9 and 20 were incorporated into amended claims 1 and 18, respectively. Elements of claim 25, on the other hand were removed and these were incorporated into new claim 26. *However, no elements have been added which were not in the previously submitted claims. Thus, the scope of the claim set has not changed. Consequently, this amendment does not raise new issues that would require a further search or substantial consideration by the Examiner.*

#### **2.) Claim Rejections – 35 U.S.C. § 102(b)**

The Examiner rejected claims 1-4, 7, 8, 10-12, 14-19 and 24 under 35 U.S.C. § 102(b) as being anticipated by Rich (US 5,940,452). In order to expedite allowance of this application, the Applicant has amended claim 1 by incorporating the limitations of claim 9 (which was canceled). Therefore, the 102 rejection with respect to claim 1 is deemed to be moot.

Similarly, the Applicant has amended claim 18 by incorporating the limitations of claim 20 (which was canceled). Therefore, the 102 rejection with respect to claim 18 is also deemed to be moot.

#### **3.) Claim Rejections – 35 U.S.C. § 103(a)**

The Examiner rejected claims 9 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Rich in view of Zastera (US 5,621,770). Claim 9 is now incorporated into amended claim 1, which now states:

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1. A receiver for receiving an analogue signal in a communication system, where said analogue signal includes signal bursts that are varying within a first signal range, comprising:

at least two signal receiver branches for receiving said analogue signal, wherein the at least two signal receiver branches are arranged to have dynamic ranges that are partly overlapping each other and together cover said first signal range;

means for evaluating digital samples of said signal bursts from said at least two signal receiver branches in accordance with specific threshold levels; and

means for selecting all digital samples corresponding to one signal burst at the same time for further processing in said receiver, and where said one signal burst has been received via one of said at least two signal receiver branches,

wherein said at least two signal receiver branches comprises A/D-conversion means, demodulation means and digital filtering means to generate said digital samples.

Rich, on the other hand only, contains one demodulation means in one branch. Furthermore, Rich does not teach "wherein the at least two signal receiver branches are arranged to have dynamic ranges that are partly overlapping each other and together cover said first signal range." Thus, Rich does not teach all of the elements of amended claim 1.

In the Office Action, however, the Examiner combined Rich with Zastera to reject claim 9. The Applicant respectfully traverses this rejection because Zastera teaches away from the combination.

Although Zastera relates to a diversity receiver, Zastera states:

The problem with such a prior art selection diversity receiver is that it requires duplicative circuitry and signal processing constantly running in parallel for each signal path, up through and including demodulation. (Zastera, col. 1, lines 54-57).

Thus, Zastera teaches away from "wherein said at least two signal receiver branches comprises A/D-conversion means, demodulation means and digital filtering means to generate said digital samples the use of two paths." As discussed above, Rich does not teach all of the elements of amended claim 1. Furthermore, Zastera does not make up for the missing elements that are not taught in Rich and actually teaches

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away from the combination. Therefore, Rich and Zastera do not teach all of the elements of amended claim 1.

As provided in MPEP §2143, "[t]o establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is respectfully submitted that the Office Action does not factually support a prima facie case of obviousness for claim 1 because all of the elements are not taught by Rich nor Zastera.

The Applicant is puzzled by the Examiner's rejection of claim 25. The Examiner's states that "Rich teaches all subject matter claimed except for further teaches providing digital filtering means in each of the receiver branches." However, claim 25 clearly contains elements not even addressed by the Examiner. Amended claim 25 now states:

25. A receiver comprising:
- a band-pass filter for receiving an incoming analog signal wherein the analog signal includes signal bursts that are varying within a signal range,
  - an amplifying means in communication with the band-pass filter for amplifying the incoming analog signal from the band-pass filter,
  - a plurality of signal receiver branches in communication with the amplifying means, wherein each signal receiver branch attenuates and processes the incoming analog signal into a digital signal such that each signal receiver branches have different dynamic ranges,
  - a memory for storing the digital signals from the plurality of signal receiver branches,
  - a calculation unit for calculation of signal strength values for each incoming digital signal sample, and
  - a decision switch for evaluating the signal strength values of the digital signals from the respective signal receiver branches, and for deciding which one of the stored digital signals will be forwarded based on the evaluating for further processing in the receiver.

It is respectfully submitted that the underlined portions of claim 25 have not been addressed by the Examiner and are not taught nor suggested by Rich. For instance, Rich does not teach a plurality of signal receiver branches in communication with the

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amplifying means. In Rich, each branch has its own amplification means (135, 139 of Fig. 1). Thus, in Rich, each signal receiver branches are not in communication with the amplifying means as specified in claim 1. Furthermore, Rich does not teach "wherein each signal receiver branch attenuates and processes the incoming analog signal into a digital signal such that each signal receiver branches have different dynamic ranges." Zastera does not make up for the missing elements that are not taught in Rich. Therefore, the combination of Rich and Zastera does not teach all of the elements of claim 25.

As provided in MPEP §2143, "[t]o establish a prima facie case of obviousness, . the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is respectfully submitted that the Office Action does not factually support a prima facie case of obviousness for claim 25 because all of the elements are not taught by Rich.

Assuming *arguendo*, that the combination of Rich and Zastera teaches all of the elements of claim 25, they still cannot be used in combination. As discussed above, Zastera teaches away from the combination of Rich and Zastera.

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Rich. Claim 5 depends from amended claim 1 and recites further limitations in combination with claim 1. However, as discussed above in reference to amended claim 1, Rich does not teach all of the elements of amended claim 1. Therefore, Rich does not teach all of the elements of claim 5.

As provided in MPEP §2143, "[t]o establish a prima facie case of obviousness, . the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is respectfully submitted that the Office Action does not factually support a prima facie case of obviousness for claim 5 because all of the elements are not taught by Rich.

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The Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Rich in view of Tsumura (US 6,044,253). Claim 6 depends from claim 1 and recites further limitations in combination with claim 1. However, as discussed above in reference to claim 1, Rich does not teach all of the elements of claim 1. Furthermore, Tsumura does not make up for the missing elements that are not taught in Rich. Therefore, Rich does not teach all of the elements of claim 6.

As provided in MPEP §2143, "[t]o establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is respectfully submitted that the Office Action does not factually support a prima facie case of obviousness for claim 6 because all of the elements are not taught by Rich.

#### **Claim 18**

Claim 18 has been amended to incorporate the elements of claim 20. Although claim 20 was rejected, the Examiner did not specifically discuss claim 20 so the Applicant does not understand why claim 20 was rejected. In any case, the Applicant respectfully asserts that amended claim 18 is now in a condition for allowance because Rich and no other cited art teaches the elements of amended claim 18. Thus, the Examiner's reconsideration of amended claim 18 is respectfully requested.

Claims 2-8, 10-12, 14-17, 19, 21-22 and 24-26 depend from amended claims 1, 18, and 25 respectively, and recite further limitations in combination with the novel elements of claims 1, 18 and 25. Therefore, the allowance of 2-8, 10-12, 14-17, 19, 21-22 and 24-26 is respectfully requested.

#### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore,

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respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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